

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RAYMOND SERRANO,

Plaintiff,

v.

Case No. 23-cv-1140-pp

DODGE CORRECTIONAL INSTITUTION, *et al.*,

Defendants.

**ORDER DISMISSING CASE WITHOUT PREJUDICE FOR PLAINTIFF'S
FAILURE TO DILIGENTLY PURSUE IT**


On October 16, 2023, the court screened plaintiff Raymond Serrano's *pro se* complaint and allowed him to proceed against a Jane Doe Correctional Officer and John/Jane Doe Nurses. Dkt. No. 5. The court added Dodge Correctional Institution Warden Jason Benzel as a defendant for the limited purpose of helping the plaintiff identify the names of the Doe defendants. *Id.* The court ordered the plaintiff "to identify the real names of the Doe defendants within sixty days of Warden Benzel's counsel appearing in the case;" it warned that if the plaintiff did not do so, the court would dismiss the case based on his failure to diligently prosecute it. *Id.* at 11 (emphasis omitted). On November 2, 2023, counsel for Warden Benzel filed a notice of appearance. Dkt. No. 6. The next day, the court ordered the plaintiff to "identify the names of the Doe defendants by the end of the day on January 2, 2024," and again warned that if he did not do so, the court would dismiss the case based on the plaintiff's failure to diligently pursue it. Dkt. No. 8 (citing Civil Local Rule 41(c) (E.D. Wis.)).

The court mailed that order to the defendant at his address on 55th Street in West Allis, Wisconsin (he was released to extended supervision before the court received his complaint, [https://appsdoc.wi.gov/lop/details/detail, DOC #00606980](https://appsdoc.wi.gov/lop/details/detail,DOC#00606980)). The January 2, 2024 deadline has passed, and the plaintiff has not identified the Doe defendants nor has he requested additional time to do so. The court has not heard from the plaintiff since receiving his complaint on August 28, 2023. None of the previous orders the court sent to the plaintiff have been returned as undeliverable, so the court has no reason to believe he did not receive them. The court will enforce its previous orders and dismiss this case without prejudice because the plaintiff has failed to diligently prosecute it. See Civil L.R. 41(c) (“Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action . . . the Court may enter an order of dismissal with or without prejudice.”).

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** for the plaintiff’s failure to diligently prosecute it. The clerk will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 29th day of January, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge